

C07-04619 SI

United States District Court Northern (San Jose Division)

Name Joseph Mitchell

Prisoner No. D-09632

Place of Confinement

CTF-Soledad State Prison
Post Office Box 689 E-301-B-L
Soledad, Ca. 93960

2007 SEP -5 P 4:12

RICHARD W. WIEKING

Name of Petitioner (include name under which convicted)

Joseph Mitchell

Name of Respondent (authorized person having custody of petitioner)

United States Attorney General
Alberto Gonzales, et al.,

The Attorney General of the State of:

United States

PETITION

1. Name and location of court which entered the judgment of conviction under attack

Not/Applicable (Attacking only the failure of deportation)

2. Date of judgment of conviction (1984)

3. Length of sentence Now serving one count second degree murder.
(15 years term to life)

4. Nature of offense involved (all counts) Cal. Penal Code §190; this petition deals with
Immigration and Nationality Act §§237(a)(2)(A)(iii), 212(c,h);
8 U.S.C. §§1182(a)(2)(A)(i)(I), 1182(c,h); 8 C.F.R. §3.14(a) and
8 U.S.C. 1101a(43)(A).

5. What was your plea? (Check one)

- (a) Not guilty ☒
(b) Guilty ☐
(c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

Note: Twenty-Three years in State Prison without INS (now BICE) activating
Petitioner's USINS detainer No. A29213665 is an unreasonable delay for activating
deportation.

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

- (a) Jury ☒
(b) Judge only ☐

(See attached petition with exhibits)

7. Did you testify at the trial?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☐ No ☒

California's State Prison System is now holding over 30 thousand illegal aliens
(like this Canadian Prisoner), and if BICE agents would just start following
the mandatory federal deportation laws, California's overcrowded Prison System
now under "federal receivership" would be less burden with aging elderly illegal
alien prisoners costing California tax payers millions of dollars in taxes
annually..

9. If you did appeal, answer the following:

(a) Name of court Not/Applicable

(b) Result _____

(c) Date of result and citation, if known _____

(d) Grounds raised _____

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

(1) Name of court _____

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court _____

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result **Not/Applicable**

(6) Date of result

(b) As to any second petition, application or motion give the same information:

(1) Name of court

(2) Nature of proceeding

(3) Grounds raised

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result

(6) Date of result

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☐

(2) Second petition, Yes ☐ No ☐

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

Petitioner filed the mandatory administrative prison appeal, however, Prison Officials refused to hear deportation appeal and stated that they lack subject jurisdiction over the federal deportation laws, and Petitioner now files this petition. (See Exhibit "A" attached.)

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: See attached petition with all grounds and exhibits

in support of petition.

Supporting FACTS (state *briefly* without citing cases or law)

(Same as above)

B. Ground two: (Same as above)

Supporting FACTS (state *briefly* without citing cases or law):

(Same as above)

C. Ground three: See attached petition with exhibits in support of
petition.

Supporting FACTS (state *briefly* without citing cases or law):

(Same as above)

D. Ground four:

Supporting FACTS (state *briefly* without citing cases or law):

(Same as above)

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

(Same as above)

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing (None)

(b) At arraignment and plea

- (c) At trial Not/Applicable
- (d) At sentencing _____
- (e) On appeal _____
- (f) In any post-conviction proceeding _____
- (g) On appeal from any adverse ruling in a post-conviction proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

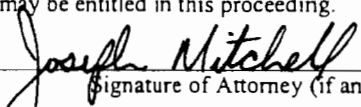
(None)

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.


Signature of Attorney (if any)
Joseph Mitchell

I declare under penalty of perjury that the foregoing is true and correct. Executed

8-27-07

(date)


Signature of Petitioner
Joseph Mitchell

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, Joseph Mitchell, declare:

I am over 18 years of age and a party to this action. I am a resident of CTF Central
Prison,

in the county of _____,

State of California. My prison address is: Central Training Facility
Post Office Box 689
Soledad, Ca. 93960-0689

On 8-27-07
(DATE)

I served the attached: 28 U.S.C. §2241 petition

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional

institution in which I am presently confined. The envelope was addressed as follows:

Northern District Federal Court	United States Attorney General Office
San Jose Division	950 Pennsylvania Ave., N.W.
280 S. First St., #2112	Washington D.C. 20530
San Jose, Ca. 95113-3006	Attorney General Office Cal.
	455 Gold Gate Ave., Suite 11000
	San Francisco, Ca. 94102-7004

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 8-27-07
(DATE)

Joseph Mitchell
(DECLARANT'S SIGNATURE)
Joseph Mitchell

JOSEPH MITCHELL
 Canadian Illegal Alien State Prisoner
 Central Training Facility
 Prison # D-09632/E-Wing-301L
 Post Office Box 689
 Soledad, Ca. 93960-0689

(Petitioner In Pro Se)

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

* * *

SAN JOSE DIVISION

JOSEPH MITCHELL,

Petitioner,

v.

United States Attorney General
 Alberto Gonzales, et al.,

Defendants.

Case No. _____

[USINS No. A29213665]

APPLICATION FOR TITLE 28 U.S.
 C. §2241 PETITION BY A STATE
 PRISONER WITH A CURRENT USINS
 DETAINEE WHO FILES HIS CLAIMS
 PURSUANT TO: 8 C.F.R. §3.14
 (a), 8 U.S.C. §§1182 (a)(2)(A)
 (i)(I), 1182 (c,h), 1101 (a)
 (43)(A), 1231 (b)(3)(B), 1227
 (a)(2)(A)(iii), 1227 (2)(I)
 (II), 1228 (c), 1230b (a)(1),
 1251 (a)(2)(A)(iii), 1252 et
 seq., and 8 C.F.R. §208.17 (a);

28 U. S. C. § 2241
 PETITION FILED BY
 ILLEGAL ALIEN
 STATE PRISONER

MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORTS OF
 PETITION FOR DEPORTATION


To: The Honorable Presiding Judge of the Northern District
 Federal Court, San Jose Division, Please Take Notice:

Petitioner, Joseph Mitchell, an illegal alien from Canada
 now moves this United States District Court to grant this
 28 U.S.C. §2241 petition and to order the Bureau of Immigration
 and Customs Enforcement ("BICE") officials to activate a
 charging document immediately and, thereupon, Petitioner be
 deported in accordance with 8 C.F.R. §3.14 (a) and as set

1 forth in 8 U.S.C. §§1182 (a)(2)(A)(i)(I), 1182 (c,h), 1101
 2 (a)(43)(A), 1231 (b)(3)(B), 1227 (a)(2)(A)(iii), 1227 (I)
 3 (II), 1228 (c), 1230b (a)(1), 1251 (a)(2)(A)(iii), 1252 et
 4 seq., and C.F.R. §208.17 (a). Petitioner has exceeded all
 5 state and federal guideline ranges for his "aggravated felony"
 6 under 8 U.S.C. §1101 (a)(43)(A) and pursuant to 8 U.S.C. §1182
 7 (a)(2)(A)(i)(I): all "aggravated felons" are not eligible
 8 or suitable for parole in the United States," which was fully
 9 discussed in Simeonov v. Ashcroft, 371 F.3d 532, 534-38 (9th
 10 Cir.2004). Petitioner has been in state custody for over
 11 twenty-three (23) years waiting for I.N.S. (now "BICE")
 12 officials to afford Petitioner a fair and impartial deportation
 13 hearing in accordance with 8 C.F.R. §3.14 (a) and be deported
 14 to Canada. Based on these facts and... all the supporting
 15 evidence presented throughout this petition, Petitioner
 16 graciously request this Honorable District Court grant this
 17 genuine 28 U.S.C. §2241 petition. (See Exhibit "A" for
 18 reference to prison administrative appeal where CTF-Soledad
 19 Prison Officials refuse to hear the claims set forth in this
 20 petition and stated: they do not have any jurisdiction over
 21 the subject matter and federal deportation laws.) Therefore,
 22 this is the only remedy available for this Canadian illegal
 23 alien.

24 Dated this 27th day of August, 2007.

Respectfully Submitted,



 Joseph Mitchell
 Canadian Illegal Alien State Prisoner
 Petitioner In Pro Se
 Without Bar Licensed Counsel

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF IMMEDIATE DEPORTATION

A. Federal Deportation Laws require . . . immediate deportation proceedings to commence against this Canadian illegal alien.

Petitioner maintains the United States District Court of San Jose California holds jurisdiction over his USINS detainer under No. A29213665. Petitioner is currently being held in the CDC&R at CTF-Soledad Level-II State Prison. Petitioner has requested CTF-Soledad Prison Personnel to contact San Jose Bureau of Immigration and Custom Enforcement ("BICE") to activate a charging document and to order Petitioner deportable as stated in Gonzalez v. Ashcroft, 369 F.Supp.2d 442, 447 (S.D.N.Y. 2005) ("A conviction for an aggravated felony at any time after admission to the United States subjects all aliens to removal." 8 U.S.C. §1227 (a)(2)(A)(iii).) The offenses that constitute "aggravated felonies" for the purposes of removal are enumerated in 8 U.S.C. §1101 (a)(43)); and see U.S. v. Lopore, 304 F.Supp.2d 183, 186 (D.Mass.2004) ("Pursuant to U.S.C. §1227 (a)(2)(A)(iii), any alien who is convicted of an aggravated felony at any time after admission is deportable.")

Both the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), contain comprehensive amendments to the Immigration and Nationality Act ("INA"), codified at 8 U.S.C. §1101 et seq. Under §237 (a)(2)(A)(iii); of the INA (8 U.S.C. §1227(a)), noncitizens

1 are subject to deportation or removal based on the commission
2 of an "aggravated felony." That is, under the terms of the
3 INA, any noncitizen "who is convicted of an aggravated felony
4 at any time after admission is deportable." Id. 8 U.S.C.
5 §1251 (a)(2)(A)(iii). The INA not only subjects aliens to
6 automatic deportation, it imposes severe sanctions against
7 aliens convicted of aggravated felonies, barring them as
8 ineligible for withholding deportation, and precluding asylum.
9 Once deportation proceedings commence, the alien's rights
10 are severely limited. For example, an aggravated felon facing
11 deportation is presumed to be deportable. Id. 8 U.S.C. §1228
12 (c). The aggravated felon is also ineligible for discretionary
13 relief from removal such as asylum, 8 U.S.C. §1158
14 (b)(2)(B)(I); restriction on removal, 8 U.S.C. §1230a (a)(3);
15 and voluntary departure, 8 U.S.C. §1230b (a)(1).

16 Significantly, an aggravated felon who has been sentenced
17 to an aggravated term of imprisonment of at least 5 years
18 is also ineligible for withholding . . . removal under the
19 Convention Against Torture ("CAT"). 8 U.S.C. §1231 (b)(3)(B);
20 Wang v. Ashcroft, 320 F.3d 130, 136 n. 11 (2nd Cir.2003).
21 The only possible relief an aggravated felon may obtain, if
22 entitled to the protection of CAT, is to have his removal
23 deferred to a country where he or she is not likely to be
24 tortured. Id. 8 C.F.R. §208.17 (a). However, the aggravated
25 felon is still subjected to immediate deportation to another
26 country, but not one that will subject him . . . to torture.
27 Petitioner maintains that he committed an aggravated felony

1 and now invokes his federal statutory rights to a fair and
2 impartial deportation hearing before San Jose Immigration
3 Court. See Lopez v. Heinauer, 332 F.3d 507, 512 (8th Cir.2003)
4 ("To demonstrate a violation of due process, an alien must
5 demonstrate both a fundamental procedural error and that the
6 error resulted in prejudice.") Petitioner has been in state
7 custody with an active USINS detainer for twenty-three years
8 and has not been afforded any deportation hearing from "BICE"
9 agents and, therefore, clearly presents a genuine case of
10 prejudice based on the deliberate denial of due process.

11 B. Petitioner is currently waiting to be deported back to
12 Canada, however, San Jose "BICE" agents are allowing State
13 Prison Officials to run an illegal alien slave labor work
14 force at CTF-Soledad State Prison and Petitioner's slave labor
15 is conducted under threat of severe C-Status punishment and
16 this action violates federal illegal alien worker laws.

17 Just because Petitioner is a state prisoner waiting to
18 be deported does not allow State Prison Officials to
19 deliberately violate illegal alien labor laws and to force
20 this Canadian illegal alien to work as a slave. See Kim Ho
21 Ma v. Ashcroft, 257 F.3d 1095, 1110 (9th Cir.2001) ("In
22 particular, the INS's position appears to be clearly
23 inconsistent with the Supreme Court's holding in Wong Wing
24 that illegal aliens within the territorial jurisdiction of
25 the U.S. who has been ordered deported could not be put to
26 hard labor prior to their deportation." Quoting Wong Wing
27 v. United States, 163 U.S. 228, 238, 16 S.Ct. 977, 41 L.Ed.
28 140 (1896) (emphasis added.) Petitioner maintains that
regardless of state suitability for parole law under Cal.
Penal Code §3041(a), all federal deportation laws "override"

1 this state parole law and, therefore, Petitioner is now waiting
2 to be deported in accordance with the mandatory federal NO
3 suitability for U.S. parole requirement, based on the
4 "aggravated felon" status set forth in 8 U.S.C. §1182(a).
5 Most important, illegal aliens waiting in the California Prison
6 System must not be forced to endure hard labor before
7 deportation. Id. Wong Wing, 163 U.S. at 238; also see 8 U.S.C.
8 §1324a (3)(A) and 29 U.S.C. §158(a)(3); and Hoffman Plastic
9 Compounds Inc. v. NLRB, 122 S.Ct. 1275, 1282-83 (U.S.2002)
10 (No person in the United States can work illegal aliens without
11 NLRB approval.) Moreover, San Jose "BICE" Officials currently
12 have total control over Petitioner's USINS warrant based on
13 the required five (5) years state sentence rule under 8 U.S.C.
14 §1227(2)(I) & (II). Therefore, this United States District
15 Court must enforce 8 U.S.C. §1227 et seq. Section 1227 states
16 in relevant part: "any alien who is convicted of a crime
17 involving moral turpitude committed within 5 years, after
18 the date of the admission and is convicted of a crime for
19 which a sentence of one year or longer may be imposed is
20 deportable." (See Cal. Code Regs. tit. 15, §3044(f)(1), punishments.)

21 Any aggravated felon who is sentenced to a term of at
22 least 5 years is ineligible to withhold his mandatory
23 deportation and immediate removal under the Convention Against
24 Torture ("CAT"), 8 U.S.C. §1231(b)(3)(B); Wang v. Ashcroft,
25 320 F.3d 130, 136 n. 11 (2nd Cir.2003). The limited relief
26 that an aggravated felon may obtain, if entitled to the
27 protection of Cat, is to have his removal deferred to a country

1 where he or she is more likely not to be tortured. 8 C.F.R.
2 §208.17(a). However, even in this situation the aggravated
3 felon is still subject to immediate deportation to another
4 country. Petitioner is from Canada which has a stable
5 Government. Therefore, Petitioner waives his legal rights
6 under CAT and request immediate deportation.

7 Furthermore, the only other area of federal statutory
8 immigration law that must be considered during the fair
9 deportation hearing process, is the appeal process based on
10 this Court ordering "BICE" officials to grant deportation.
11 See 8 U.S.C. §1252(a)(2)(C) and Henderson v. INS, 157 F.3d
12 106, 119 (2nd Cir. 1998). In Henderson, Congress "intended
13 to make . . . administrative decisions (regarding removal)
14 nonreviewable in the fullest extent possible under the
15 Constitution." The limited judicial avenue available to
16 criminal aliens waiting in the California Prison System to
17 be deported is the REAL ID ACT, Pub.L. No. 109-13, 119 Stat.
18 231 (2005), which amended 8 U.S.C. §1252 to provide judicial
19 review of an order of removal in the form of a "petition for
20 review" in the Court of Appeals. However, this Canadian
21 illegal alien waives his legal right to any appeal under the
22 REAL ID ACT and absolutely maintains that he is a Canadian
23 citizen and was convicted of an "aggravated felony" under
24 8 U.S.C. §1101(a)(43)(A), and, therefore, must be ordered
25 deportable forthwith. (See Exhibit "B" for reference to
26 Petitioner's Birth Certificate and Canadian Social Security
27 Number.) Based on these facts deportation is required.

1 C. Petitioner maintains that under the United States Supreme
2 Court decision of INS v. St. Cyr, 533 U.S. 289, 325, 121 S.Ct.
3 2271, 2293, 150 L.Ed.2d 347 (2001), it is mandatory that this
4 aggravated felon be deported to his country of origin
5 forthwith.

6 Although one can describe the level of certainty of
7 deportation for aggravated felons as mandatory, required,
8 predictable, highly likely, the Second Circuit has described
9 the likelihood as "automatic," United States v. Couto, 311
10 F.3d 179, at 184 (2nd Cir.2002) and moreover the United States
11 Supreme Court calls it "Certain." INS v. St. Cyr, supra,
12 533 U.S. at 325. Therefore, this Canadian illegal alien must
13 be deported immediately.

14 D. Any state law used to keep this Canadian illegal alien
15 in the California Prison System must be "overridden" and that
16 all the federal statutory deportations laws set forth in this
17 motion are superior to any state law requirements.

18 Petitioner asserts that all the above deportations laws
19 govern his current incarceration in the California Prison
20 System and that State Prison Officials cannot argue that "State
21 Law" overrides "Federal Statutory Deportation Laws regarding
22 aggravated felons." Petitioner maintains that the United States
23 Supreme Court made very clear in Freightliner Corp. v. Myrick,
24 "We have recognized that a federal statute implicitly overrides
25 state law either when the scope of a statute indicates that
26 Congress intended federal law to occupy a field exclusively,
27 English v. General Elec. Co., 496 U.S. 72, 78-79, 110 S.Ct.
28 2270, 2274-2275, 110 L.Ed.2d 65 (1990), or when state law
is in actual conflict with federal law. We have found implied
conflict pre-emption where it is "impossible for private party

1 to comply with both state and federal requirements," id.,
2 at 79, 110 S.Ct., at 2275, or where state law "stands as an
3 obstacle to the accomplishment and execution of the purposes
4 and objectives of Congress. Hines v. Davidowitz, 312 U.S.
5 52, 67, 61 S.Ct. 399, 404, 85 L.Ed. 541 (1941)." Id. 514
6 U.S. 280, 115 S.Ct. 1483, 1487 (1995).

7 Petitioner absolutely maintains that (BICE) officials
8 are responsible for deporting illegal aliens and the Congress
9 did not **intend** for "state administrative" boards to **make** the
10 decision when state prisoners have federal USINS holds placed
11 on them or for state prison officials to use state law to
12 "override" statutory federal deportation laws.

13 E. Petitioner maintains that CTF-Soledad State Prison Officials
14 have refused to afford Petitioner any type of a deportation
15 hearing and refuse to hear Petitioner's 602 Inmate/Appeal
16 where Petitioner is requesting to be deported within federal
17 statutory deportation laws and, therefore, prison officials
18 are violating Administrative Procedure Act, 5 U.S.C. §706
19 (1)&(2) (A)&(C).

20 Plaintiff maintains that CTF-Soledad Prison Officials
21 have failed to implement an information system to assist
22 illegal aliens in the deportation process and to aid San Jose
23 (BICE) officials with information regarding convicted
24 aggravated felons housed in the prison and this action is
25 arbitrary, capricious, and certainly is an abuse of discretion.
26 CTF-Soledad Prison Officials action or inaction is not in
27 accordance with any federal statutory deportation laws and
28 positively violates the Administrative Procedure Act, 5 U.S.C.
§706 (1) & (2)(A) & (C). The Ninth Circuit Appeals Court
stated in Cilbent v. National Transportation Safety Board,

1 80 F.3d 364, 368 (9th Cir.1996) ("5 U.S.C. §706 imposes a
2 uniform standard of review over agency determinations without
3 drawing any such distinctions. Indeed, we have applied an
4 arbitrary and capricious standard of review in upholding an
5 agency's refusal to accept late appeal to its Board in
6 accordance with its internal regulatory guidelines.")

7 The prison officials here at CTF-Soledad refuse to hear
8 Petitioner's appeal where he asked the prison administrators
9 to activate his USINS detainer No. A29213665 and to turnover
10 his custody to (BICE) Officials in San Jose California. The
11 prison officials in their CDC 695 response stated that they
12 do not have subject jurisdiction of these federal deportation
13 laws and that Petitioner must pursue the matter through the
14 appropriate agency, which in this case is this U.S. District
15 Court. (See Exhibit "A" for reference to CDC 602 Inmate/Appeal
16 filed regarding federal deportation laws.)

17 F. Petitioner has complied with the Prison Litigation Reform
18 Act (PLRA), 42 U.S.C. §1997e(a) as required by the United
19 States Supreme Court in Booth v. Churner, 532 U.S. 731, 741,
20 121 S.Ct. 1819, 1825 (2001).

21 In Booth v. Churner, the Supreme Court held that inmates
22 must exhaust administrative remedies, regardless of the relief
23 offered through the administrative procedure. Id. at 741.
24 However, the Sixth Circuit Appeals Court stated in City of
25 Mount Clemens v. U.S.E.P.A., 917 F.2d 908 (6th Cir.1990)
26 ("Although exhaustion remedies is typically required as a
27 condition for judicial review, the requirement is not absolute.
28 The doctrine must be applied in each case with an understanding

1 of its purposes behind the exhaustion doctrine, the courts
2 have allowed a number of exceptions. Thus, exhaustion is
3 not required if administrative remedies are inadequate or
4 not efficacious; [or] where pursuit of the administrative
5 remedies would be a futile gesture." [Citation omitted].)
6 see also Shawnee v. Coal Co. v. Andrus, 661 F.2d 1083, 1093
7 (6th Cir.1981) ("exhaustion is not required if administrative
8 remedies are inadequate"); and Mathews v. Diaz, 426 U.S. 67,
9 76, 96 S.Ct. 1883, 1889, 48 L.Ed.2d 478 (1976) ("Where the
10 only issue presented for review was the constitutionality
11 of a provision of the Social Security Act, exhaustion of
12 administrative remedies would have been futile"). Petitioner
13 maintains he should not be forced to exhaust anymore
14 administrative appeals **based** on the deportation laws within
15 the CDC&R system and that **all prison appeals are futile.**

16 In Brown v. Valoff, 442 F.3d 926 (9th Cir.2005) we read:
17 "While over-exhaustion may be wise so as to expedite late
18 litigation, the fact remains that Booth does not require an
19 inmate to continue to appeal a grievance once relief is no
20 longer available." Id. at 949 fn. 10. As stated above
21 Petitioner presented his appeal to CTF-Soledad Prison Officials
22 which have stated that they lack jurisdiction to hear the
23 federal statutory deportation laws and, therefore, all
24 administrative appeals have been completed.

25 G. Petitioner maintains that under deportation rights this
26 case must be considered under "equal protection" and that
27 his "aggravated felony" is listed under 8 U.S.C.
28 §1101(a)(43)(A) as all other listed "aggravated felons" now
being deported and that every other State Prison System in
the United States is allowing inmates convicted of second
degree murder to be deported after the 5 year period is served.

1 In Gonzalez v. Ashcroft, supra, 369 F.Supp.2d 442
2 (S.D.N.Y.2005) ("A conviction for an aggravated felony at
3 any time after admission to the United States subjects an
4 alien to removal. 8 U.S.C. §1227 (a)(2)(A)(iii). The offenses
5 that constitute "aggravated felonies" for the purposes of
6 removal are enumerated in 8 U.S.C. §1101 (a) (43)." Id. at
7 447.) Petitioner's state crime is listed under (43)(A) (second
8 degree murder one count). Petitioner argues that his
9 deportation must be considered under "equal protection." See
10 Plyler v. Doe, 457 U.S. 202, 210, 102 S.Ct. 2382, 72 L.Ed.2d
11 786 (1982) (holding that aliens are protected by the Fifth
12 Amendment's equal protection guarantee). To establish an
13 equal protection violation, therefore, Petitioner must identify
14 a class of similarly situated persons who are treated
15 dissimilarly. See Anderson v. Cass County, Mo., 367 F.3d 741,
16 747 (8th Cir.2004).

17 Petitioner positively asserts that state prisoners
18 (illegal aliens) convicted of second degree murder in States
19 other than California, are being deported to there native
20 countries under the same federal deportation laws, which should
21 equally be applied to this California illegal alien state
22 prisoner. Petitioner supports his contentions based on the
23 federal deportation cases of Tulloch v. I.N.S., 175 F.Supp.2d
24 644, 647 (S.D.N.Y.2001); Boston-Bollers v. I.N.S., 106 F.3d
25 352, 353 (11th Cir.1997); James v. Reno, 97 Fed.Appx. 340
26 (2nd Cir.2004) and also Giap v. I.N.S., 311 F.Supp.2d 438,
27 439 (S.D.N.Y.2004) ("In 1997, a jury in New York City convicted
28

1 Giap second degree murder, for which he was sentenced to 25
2 years to life in prison. Following that conviction, the
3 Immigration and Naturalization Service ("INS") charged Giap
4 with being deportable as an alien convicted of a aggravated
5 felony. See 8 U.S.C. §1227 (a)(2)(A)(iii).")

6 Petitioner's second degree murder falls within the same
7 federal deportation laws as set forth in all the above second
8 degree murderers cases, which have been deported back to their
9 native countries. All of the above second degree murderers
10 served five (5) years before INS officials initiated
11 deportation proceedings, however, this Canadian California
12 illegal alien prisoner has served more time on his second
13 degree murder than any of the above murderers, but (BICE)
14 agents from San Jose still have failed to initiate deportation
15 proceedings in this case. Petitioner maintains ("BICE") agents
16 inaction is arbitrary and capricious and certainly violates
17 the Equal Protections Clause of the U.S. Constitution.

18 H. Petitioner asserts that indefinite detention based on
19 a USINS detainer as an illegal alien California State Prisoner,
violates his due process right to a fair and impartial
deportation hearing within a reasonable amount of time.

20 Petitioner asserts that he has now served twenty-three
21 (23) years for his one count second degree murder and that
22 (BICE) agents located in San Jose California have refused
23 to initiate Petitioner's USINS detainer. The United States
24 Supreme Court stated in Zadvydas v. Davis, "A statute
25 permitting indefinite detention of an alien would raise a
26 serious constitutional problem. The Fifth Amendment's Due
27 Process Clause forbids the Government to "deprive" any "person

1 . . . of . . . liberty . . . without due process of law."
2 Id. 533 U.S. 678, 121 S.Ct. 2491, 2498-99 (2001) (in relevant
3 part.) Indeed, "Petitioner's statutory claim that he is being
4 detained without the possibility of a fair and impartial
5 deportation hearing can be heard on habeas, because it effects
6 a substantial right owed Petitioner in accordance with all
7 the above mentioned federal deportation laws. See Velasquez
8 v. Reno, 37 F.Supp.2d 663, 669 (D.N.J.1999) (quoting Henderson
9 v. INS, 157 F.3d 106, 122 (2nd Cir. 1998) "Stating that
10 statutory claims affecting the substantial rights of this
11 sort, courts have secularly enforced.")

12 Petitioner has now served twenty-three (23) years on
13 the federal USINS detainer No. A29213665 and maintains this
14 delay by San Jose "BICE" agents in the deportation process
15 is unreasonable, certainly arbitrary and definitely capricious.
16 Petitioner alleges his due process rights are being violated
17 under the test enunciated in Barker v. Wingo, 407 U.S. 514
18 (1972), for evaluating delayed hearings under the Sixth
19 Amendment, which is often used to evaluate delayed hearings
20 under the Due Process Clause of the Fifth Amendment. Id.
21 407 U.S. at 530. In this case Petitioner has not received
22 any information from CTF-Soledad Prison Officials when BICE
23 agents will activate his USINS detainer and effectively start
24 the deportation process. In Baker the U.S. Supreme Court
25 described a five (5) year delay as "extraordinary." Id. 407
26 U.S. at 533; see also U.S. v. Doggett, 906 F.2d 573, 578 (11th
27 Cir.1990) ("Ringstaff, the 11th Cir. found a twenty-three

1 month delay to be presumptive prejudicial. Id. 885 F.2d at
2 1543, quoting cf. Bagga, 782 F.2d 1542 "thirty-six month delay
3 presumptively prejudicial" and Dannard, 722 F.2d at 1513
4 "fifteen month delay presumptively prejudicial.")


5 In sum, this Petitioner has now served twenty-three years
6 in the California Prison System and certainly maintains the
7 San Jose "BICE" agents have abused their administrative
8 discretion, when they refused to deport this illegal alien
9 California State Prisoner and to afford this illegal alien
10 a fair and impartial deportation hearing within a reasonable
11 time limit. See Immigration & Naturalization Serv. v. Yany,
12 519 U.S. 26, 32, 117 S.Ct. 350 (1993) ("irrational departure"
13 from "general policy" governing exercise of administrative
14 discretion "could constitute . . . an abuse of discretion.")

15 Conclusion

16 Based on the foregoing, this Canadian illegal alien
17 California State Prisoner positively maintains that his due
18 process and equal protection rights have been violated by
19 San Jose "BICE" agents refusal to initiate deportation
20 proceedings after Petitioner served twenty-three years with
21 an active USINS detainer and, therefore, this Honorable Court
22 should order the San Jose "BICE" Director and his agents to
23 deport Petitioner to Canada forthwith.

24 Dated this 27th day of August, 2007.

25 Respectfully Submitted,

26 
27 Joseph Mitchell Canadian Illegal Alien,
28 Petitioner In Pro Se
Without Bar Licensed Counsel

Page-15-Petition for Deportation

EXHIBIT "A"

State of California

CDC FORM 695

Screening For:

CDC 602 Inmate/Parolee Appeals

CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the INFORMAL Level

March 6, 2007

MITCHELL, D09632

CFEWT3000000301BL

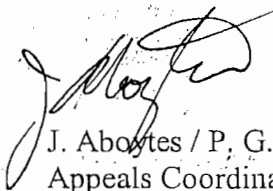
Log Number: CTF-S-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

The action or decision you are appealing was not taken by the California Department of Corrections, and is therefore outside our jurisdiction. We are returning the documents to you so you may pursue the matter through the appropriate agency CCR 3084.3(c)(1).

Comments: Refer to attached BPH Memo.



J. Abaytes / P. G. Dennis
Appeals Coordinators
Correctional Training Facility

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE
--

STATE OF CALIFORNIA—DEPARTMENT OF CORRECTIONS AND REHABILITATION

ARNOLD SCHWARZENEGGER, GOVERNOR

BOARD OF PAROLE HEARINGS

1515 K Street, 6th Floor
Sacramento, Ca. 95814

Effective May 1, 2004, the Board of Parole Hearings Appeals, formerly known as the Board of Prison Terms, section (15 CCR section 2050-2056) was repealed by Administrative Directive No. 04/01. The Board of Parole Hearings no longer has an Appeals Unit; therefore, the decisions or action regarding the issue listed below cannot be appealed and will no longer be addressed by the Board, regardless of whether the issues are written on a BPT 1040, a CDC 602, or in letter format:

- Due process (including hearing scheduling)
- Parole revocation process (including hearing panel issues)
- Early discharge requests (prior to discharge review)
- Good cause findings for hearings
- CDCR clerical errors regarding date/time/credit calculations/day for day
- CDCR/P&CSD staff related issues
- Submitted prior to a Board action
- Attorney issues
- Witness issues
- Time assessed at the revocation hearings



You may go directly to the courts per California Department of Corrections and Rehabilitation, 15 CCR section 3160, inmate access to the courts. Forms are available at the institution's law library. If you are being housed at a county jail, you can obtain a copy of the forms at your jail housing unit.

Issues concerning clerical errors on BPH 1103 PCH and REV forms related to Board Decision, mandatory discharge, credit eligibility during revocation terms, BPH mandated special conditions of parole, retain on parole actions, and other rules of law, can be reviewed by the Board. You can submit these concerns via correspondence to the:

Board of Parole Hearings, Quality Control Unit
1515 "K" Street, Sixth Floor
Sacramento, Ca, 95814.

Sincerely,

Board of Parole Hearings
Attachment

50-35 3-6-7

INMATE/PAROLEE
APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

6-10

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME JOSEPH MITCHELL	NUMBER D-09632	ASSIGNMENT Close/Custody	UNIT/ROOM NUMBER E-301up
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A. Describe Problem: This prisoner asserts that the CDC&R, the BPH and the Office of Administrative Law (OAL) have implemented and have effectuated an alien slave labor work force under the Cal. Code Regs. tit. 15, Div. III, §3040(a). In accordance with §3040(a) this inmate is being forced to work for the prison system under DIRECT THREAT OF SERIOUS C-STATUS PUNISHMENT, as set forth under CCR, §§3044(4)(A) and 3044(f)(1). Furthermore, indeterminately sentenced inmates, such as myself, MUST COMPLY with the Board of Prison Hearings suitability regulations under CCR, §§2400-2411, and that these suitability

If you need more space, attach one additional sheet.

(Continued next page)

B. Action Requested: THAT THE "BPH" Chairman and Commissioners will no longer be allowed to enforce deportable aliens to attend Vocational Training Programs intended for U.S. citizens, as set forth under United States Code Title 8 §1324a (3)(A) and Title 29 §158(a)(3). That CDC&R remove all illegal aliens

Inmate/Parolee Signature: _____

(Continued next page)

Date Submitted: 3-1-07

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number: _____

Board of Control form BC-1E, Inmate Claim

MAR 2 2007

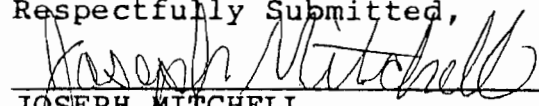
CTF APPEALS

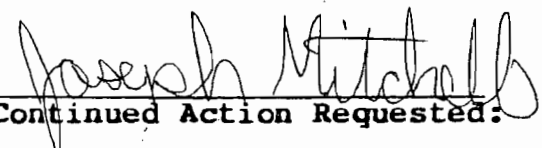
(Continued Form CDC 602 Inmate/Appeal, by J. Mitchell)

regulations are being used to usurp the statutory federal illegal alien laws, which do not allow illegal aliens to work in the United States and to take jobs away from native born U.S. citizens. Furthermore, the ONLY alien that can work in the United States are those authorized to do so by paying the National Relations Board first and these illegal alien cannot be convicted of a felony. See Hoffman v. Plastic Compounds Inc. v. NLRB, 122 S.Ct. 1275, at pp.1282-83 (2002) and see Snyder v. Sumner, 960 F.2d 1448, 1452 (9th Cir.1992) (INS detainers may make prisoners ineligible for desirable work or educational assignments.) This prisoner currently has a detainer pending against him, which will be immediately activated when the CDC&R officials release this illegal alien to INS officials.

Indeed, this illegal alien is not authorized to participate in any work in California, based on his unqualified alien status under CCR §3815 (a)(3). Therefore, with the entire California prison system near federal takeover, based solely on the unsafe overcrowded conditions within CDC&R, the prudent and appropriate remedy in this case, is for CTF-Soledad officials to contact Sacramento and obtain the authorization to turn this illegal alien over to INS for immediate deportation to his native Country of Canada.

Respectfully Submitted,


JOSEPH MITCHELL
CANADIAN ILLEGAL ALIEN
WITH INS HOLD



Continued Action Requested:

from the California Prison System to INS, for deportation to their prospective countries. The longer you wait to remove thousands of illegal aliens to their countries will only result in more problems down-the-road, such as civil rights lawsuits. Furthermore, this illegal Canadian alien MUST be afforded A-1-A status until he is turned over to INS officials.

Continued Page-1-

EXHIBIT "B"

	Employment and Immigration Canada	Emploi et Immigration Canada
SOCIAL INSURANCE NUMBER	NUMÉRO D'ASSURANCE SOCIALE	
484 895 768		
JOEY MITCHELL		
SIGNATURE	<i>Joey Mitchell</i>	

CANADA ONTARIO		BIRTH CERTIFICATE CERTIFICAT DE NAISSANCE	
NAME—NOM MITCHELL, JOEY			
DATE OF BIRTH—DATE DE NAISSANCE MAY 26, 1965		CERTIFICATE NUMBER NUMÉRO DU CERTIFICAT 83-492352-01	
BIRTHPLACE—LIEU DE NAISSANCE EAST YORK		SEX—SEXE M	
DATE OF REGISTRATION DE L'ENREGISTREMENT JUN. 08, 1965		REGISTRATION NUMBER NUMÉRO DE L'ENREGISTREMENT 65-05-058099	
ISSUED AT DELIVRÉ À TORONTO, ONTARIO, CANADA OCT. 13, 1983		 CERTIFIED EXTRACT FROM BIRTH REGISTRATION EXTRAIT OFFICIEL DES REGISTRES DE NAISSANCE FORM 27 VITAL STATISTICS ACT 11126 (REGISTRAR GENERAL—ARCHIVISTE GENERAL)	
(DEPUTY) ARCHIVISTE GÉNÉRAL ADJOINT		<i>Robert M. Quinn</i>	

Raid targets illegal migrants

1,000 agents bust workers
at meat plants in six states

By Donna Leinwand
USA TODAY

Dec 13th

One of the world's largest meat processors shut down nearly all of its U.S. operations Tuesday as federal agents raided plants in six states in a crackdown on illegal immigrants who allegedly used stolen identification to get their jobs.

It was unclear how many people were arrested in the raids at Swift & Co.'s headquarters in Greeley, Colo., and its plants in Grand Island, Neb.; Cactus, Texas; Hyrum, Utah; Marshalltown, Iowa; and Worthington, Minn.

The plants have thousands of workers, and Tuesday's massive roundup — which involved 1,000 federal agents — was one of the U.S. government's largest moves ever against illegal workers.

The raids come eight months after Immigration and Customs Enforcement (ICE) arrested 1,187 illegal workers at plants operated by IFCO Systems, a company that makes pallets.

The Swift probe, which began in February, uncovered a "massive identity fraud scheme" in which illegal workers had "stolen the identity of hundreds of people," ICE Assistant Secretary Julie Myers said. She said agents were interviewing those arrested at the plants to determine whether they should face criminal or immigration charges.

Swift, which has not been charged, denied knowledge of the alleged scheme.

"Swift has never condoned the employment of unauthorized workers, nor have we ever knowingly hired such individuals," Swift President and CEO Sam Rovit said in a statement.

Hours before the raids, Weld County, Colo., District Attorney Ken Buck's office filed 25 arrest warrants at the request of U.S. agents.

The arrest affidavits say about 30 Swift employees used false information to get jobs at the Greeley facil-



Under arrest: A man waves as a federal agent prepares to handcuff him Tuesday after a raid at a meat plant in Greeley, Colo.

By Richard M. Hackett, (Longmont, Colo.) Daily Times-Tell, via AP

Recent raids by U.S. agents

► Aug. 30: Agents arrest 55 illegals who cleaned state buildings in Tallahassee, Fla.

► Aug. 10: 41 illegals arrested at cleaning firm in Hamburg, N.Y.

► Aug. 2: 51 illegals arrested at saddle factory in Sulphur, Okla.

► April 19: Agents arrest 1,187 illegals and seven current and ex-managers at 40 IFCO Systems sites.

Source: USA TODAY research.

ity, which has about 2,700 workers.

One of those using a false ID was identified in court papers as Otilio Torres Rivera. The Social Security number and North Carolina ID he offered as proof of legal residence belonged to a man who had died in February 2005, court papers allege. The dead man's sister had filed a complaint with the Federal Trade Commission after a Social Security Administration report wrongly said her late brother was employed at Swift. Court papers did not specify how the dead man's ID was stolen.

In Greeley, about 75 workers' family members and protesters gathered outside the plant, complaining that ICE agents were cruel, complaining that ICE before Christmas, Police Chief Jerry Garner said.

Swift said it would reopen its plants after ICE ends its operation, but that production would depend on the number of workers arrested or detained.

The plants raided handle all of Swift's domestic beef processing and 77% of its pork processing.

Front Page

USA Today
Dec 15th, 06 3A

Border fence builder hired illegal workers

Golden State Fence Co., which built part of the border fence between California and Mexico, and two executives pleaded guilty in federal court in San Diego to hiring illegal workers between January 1999 and November 2005.

The company will pay the government \$4.7 million, U.S. Attorney Carol Lam said. Mel Kay, 64, the chairman and president, will pay \$200,000. Vice President Michael McLaughlin, 42, will pay \$100,000. The men face up to five years in prison at sentencing March 28.

— Donna Leinwind

EXIBITS



Michelle Malkin

Deport criminal aliens

My fellow Americans, we have a problem. We spend billions of dollars on homeland security, but our government can't even track and deport convicted criminal aliens. These are not the well-meaning "newcomers" who just want to "pursue economic opportunities" by "doing the jobs no one else will do." These are foreign-born thugs, sex offenders, murderers and repeat drunk drivers who are destroying the American Dream.

If our immigration and entrance system can't effectively monitor, detain and kick out convicted criminal aliens — including illegal border-crossers, illegal visa overstayers, fugitive deportees, and green-card holders who have committed serious crimes — what good is it?

The kidnapping and murder of 12-year-old Zina Linnik in Tacoma, Wash., on July 4 is a typical example of the criminal alien revolving door. Terapon Adhahn, Zina's suspected killer who allegedly snatched her from the backyard of her home, is a permanent legal resident from Thailand. He was convicted of incest in 1990. He'd sexually attacked his 16-year-old relative and pleaded down from a second-degree rape. Two years later, he was convicted of intimidation with a dangerous weapon.

Section 1227(a)(2)(C), Title 8, of the U.S. code dealing with immigration states: "Any alien who at any time after admission is convicted under any law of . . . using, owning, possessing, or carrying . . . any weapon, part, or accessory which is a firearm or destructive device . . . in violation of any law is deportable."

But Mr. Adhahn was not deported. In fact, as Lorie Dankers, spokeswoman for Immigration and Customs Enforcement in Seattle, admitted: "He escaped our attention."

Just like illegal alien gangster Mwenda Murithi, who was arrested 27 times without deportation before being arrested in the shooting death of 13-year-old innocent bystander Shanna Gayden in June in Illinois.

Just like illegal alien Ezeiquiel Lopez, who built six-year rap sheet without deportation. He was arrested in the murder of Deputy Frank Fabiano two months ago in Wisconsin.

Just like illegal alien Juan Leonardo Quintero, who'd been previously deported after committing crimes from indecency with a child to driving while intoxicated, but who traipsed back into the U.S. last fall and was arrested after allegedly shooting a Houston police officer.

It is not "anti-immigrant radicals" who are fed up with the failure to kick out and keep out criminal aliens. Zina Linnik's uncle, Anatoly Kalchik, says his family was a family of legal immigrants who all obeyed the laws. The Seattle Post-Intelligencer reported: "Zina's uncle was angry that the suspect had not been deported after being convicted in a sex crime. 'We are all immigrants, but we come legally,' Kalchik said of his family. 'If someone is a sex offender, or any kind of offender, he has no business being in America,' he said."

Federal auditors and immigration officers have tried to blow the whistle on this recurring problem for the past 10 years. But the Department of Homeland Security inspector general reported last year that of an estimated 650,000 foreign-born inmates in prison and jails this year, half will be removable, aliens who won't be removed because the detention and deportation office "does not have the resources to identify, detain and remove" them. And that's just a best guess. Despite federal mandates, cooperative agreements and political promises, there's still no working nationwide system with basic information about jailed criminal aliens.

Rep. David Price, D., N.C., is sponsoring legislation to require monthly prison and jail checks by DHS to track illegal alien inmates, increase spending on criminal alien deportations, and expand a program to encourage more local and state officials to cooperate with the feds to help identify and deport criminal aliens in their hometowns. Why aren't we doing all this already?

I get tons of e-mail asking: "What can I do?" Answer: Sign up to help pressure our government to rid this country of convicted criminal aliens at www.deportthemnow.com.

Michelle Malkin writes for Creators Syndicate.